REMARKS

Concurrent with a Request for Continued Examination under 37 CFR § 1.114, this paper is filed in response to the final Office Action mailed October 16, 2008 (the Office Action").

Claims 1-14, 17-40, and 43-52 are pending in the Application, of which claims 1 and 27 are in independent form. Claims 12 and 38 are amended herein. Claims 15-16 and 41-42 are cancelled.

In the Office Action, all of the pending claims stand rejected. Claims 1-3, 5, 8-11, 13, 14, 17, 18, 20, 21, 26, 27-29, 31, 34-37, 39, 40, 43, 44, 47, and 53 stand rejected as purportedly being unpatentable over U.S. Patent No. 6,487,585 to Yurkovic ("Yurkovic") in view of U.S. Patent No. 6,728,753 to Parasnis et al. ("Parasnis"). The Office Action also rejects these claims under 103(a) as purportedly being unpatentable over U.S. Patent No. 6,636,888 to Bookspan et al. ("Bookspan") in view of Parasnis. Claims 4, 7, 30, and 33 stand rejected under 103(a) as purportedly being unpatentable over Yurkovic, Parasnis, and U.S. Patent No. 6,457,045 to Hanson. Claims 6 and 32 stand rejected under 103(a) as purportedly being unpatentable over Yurkovic, Parasnis, and U.S. Patent No. 6,560,637 to Dunlap et al. Claims 12 and 38 stand rejected under 103(a) as purportedly being unpatentable over Yurkovic and Parasnis, and claims 23-25 and 49-51 stand rejected under Bookspan, Parasnis, and Hanson.

The Applicants respectfully request reconsideration of the claims in view of the amendments and remarks herein. With these amendments and remarks, the Applicants have addressed each of the issues raised in the Office Action. Therefore, the Applicants submit that the Application is in condition for allowance, and respectfully request the same.

AMENDMENTS TO CLAIMS 12 AND 38

Claims 12 and 38 have been amended to recite, "...wherein the program code comprises <u>a password to automate login to the media event</u>." Emphasis added. The disclosure teaches including an authentication credential (*e.g.,* password) in

information transmitted to a registered attendee to allow the attendee to automatically access a media event (*e.g.*, without manually entering authentication credentials):

> "An applet, such as a cookie, may be transferred to the attendee's computer. This applet typically includes information concerning the media event (e.g., date, time, and type), and information about the attendee, <u>including their user identifier and their password</u>, thus allowing for an <u>automated login to the media event</u>." Para [0034]; emphasis added.

REJECTION OF CLAIMS 1-3, 5, 8-11, 13, 14, 17, 18, 20 ,21, 26-31, 34-37, 39, 40, 43, 46, 47, AND 52 UNDER 35 U.S.C. § 103(A)

To support a *prima facie* case of obviousness, the Office Action must offer a "clear articulation of the reason(s) why the claimed invention would have been obvious." KSR Intl. Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007); *also see* MPEP § 2143. The analysis supporting the rejection should be made explicit. *See* MPEP § 2143. Any rejection under § 103 must consider <u>all</u> the words in the claim. *See* In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970); *also see* MPEP § 2143.03. Therefore, the cited references must teach or suggest <u>all</u> the claim limitations. *See* In Re Royka 490 F.2d 981 (CCPA 1974). Moreover, the prior art references must be considered in their entirety (i.e., as a whole) <u>including portions that would lead away from the claims</u>. *See* W.L.Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 at 1550 (Fed. Cir. 1983); *also see* MPEP § 2141.02(VI).

Since the references cited in the Office Action fail to consider <u>all</u> the words in the claims and, in particular, fail to disclose at least program code configured to cause a browser at the client machine to be automatically launched as recited in the claims, the Applicants respectfully traverse the rejection of claims 1-3, 5, 8-11, 13, 14, 17, 18, 20, 21, 26-31, 34-37, 39, 40, 43, 46, 47, and 52.

Parasnis Fails to Disclose Program Code Configured to Cause a Browser at the Client Machine to be Automatically Launched

The disclosure teaches automatically launching an attendee's browser and establishing a connection between the browser and a media event. *See* Para. [0010] and [0011]. In this way, a user may attend the media event even if she forgets to

launch her browser at the appropriate time. To automatically establish a connection to the media event, the disclosure teaches automatically launching a browser in which the media event may be displayed ("[t]he method may include executing the network-based media event. A browser may be <u>launched on an attendee computer at a predefined time</u>, and this browser may be <u>launched by an applet resident on the attendee computer</u>.") Para [0010]; emphasis added. The disclosure teaches that the attendee's browser may be automatically launched using program code (*e.g.,* a cookie, applet, or the like) that is transmitted to the attendee's computer during registration for the media event:

> "…at the time of registration, an applet (typically a cookie) is passed to the computer of the attendee, such that this cookie includes information concerning the attendee and the media event that the attendee registered for. Accordingly, at a predefined time prior to the media event (*e.g.,* five minutes), a browsing program may be **launched by the applet resident on the attendee's computer**…" Para. [0037]; emphasis added.

Claim 1 was previously amended to clarify this aspect of the invention; Claim 1 recites in part:

> "…transferring to the client device program code that includes information relating to the media event, the <u>program code configured to cause a browser at the client device to be **automatically launched for presentation of the media event**</u> based on the information relating to the media event…" Emphasis added.
> Claim 27 recites similar features.

The Office Action admits that neither Yurkovic nor Bookspan disclose the recited program code. *See* Office Action at pp. 2-3 and 8. Therefore, the Office Action relies on Parasnis, and specifically, Parasnis col. 24, lines 19-29 and col. 27, lines 48-56. However, neither citation discloses program code configured to <u>cause a browser at the client device to be automatically launched</u> as recited in the claims. In fact, Parasnis teaches away from the recited program code.

At col. 24, Parasnis reads:

> "…there will always be some laggards who disregard their e-mail notifications, **and visit the lobby page just prior to (or after) the start of the live presentation**. In these instances, the attendees may not receive all of the HTML slide file content via the high-bandwidth

11

> FTS multicast prior to the start of the presentation….Just prior to the start of the presentation, the attendees' browsers receive a trigger that automatically links the browsers to a predetermined URL, corresponding to a Web page that is different than the Lobby page." Parasnis col. 24 lines 11-22; emphasis added.

Parasnis is clear that it <u>does not</u> include the capability of automatically launching an attendee's browser. At col. 24, Parasnis discusses addressing a problem caused by the fact that the <u>user</u> (laggard who disregarded his/her e-mail notification) failed to launch his/her browser application and visit the presentation "lobby page" at the proper time. *See* <u>Parasnis</u> col. 24 11-17. If Parasnis could automatically launch the user's browser as recited in the claims, the work-around described above <u>would not be necessary</u>. Moreover, Parasnis states that the "trigger" discussed in col. 24 operates within a browser that the <u>user</u> has already launched and directed to the lobby page ("some laggards … visit the lobby page just prior to (or after) the start of the live presentation"). <u>Parasnis</u> col. 24 lines 12-14. Accordingly, Parasnis cannot be construed as disclosing program code configured to automatically launch a browser as recited in the claims.

A reference must be considered in its entirety, including portions that would lead away from the claims. <u>W.L. Gore & Associates, Inc. v. Garlock, Inc.</u>, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Parasnis includes features that are designed to deal with issues that would be precluded by the approach recited in the claims (*e.g.,* transmitting program code to an attendee's computer configured to cause browser to be <u>automatically launched for presentation of the media event</u>). Therefore, Parasnis clearly leads away from the program code recited in claims 1 and 27.

The Office Action also cites Parasnis col. 27 as teaching the recited program code. However, col. 27 provides no such teaching or suggestion; Parasnis col. 27 reads:

> "As discussed above, it is necessary <u>to advance the presentation of the various slide show slides on the attendees' computers</u> from a remote machine. In order to perform virtual scenarios such as a one-to-many presentation, a presenter must be able to remotely execute commands on the audience machines <u>to advance the presentation or</u>

to execute animation effects. For example, if two users browser the same web page, they are viewing two distinct copies of the same web pages. In order for one user to control the web page viewed by the other, some communication needs to occur. The communication is accomplished through a combination of two technologies: embedding script commands in an ASF stream, and animations in the POWERPOINT HTML files... POWERPOINT is thus able to send events via an audio/video stream to the online attendee, which triggers commands on the attendee's computer and in turn effects actions on the web pages displayed on the attendee's computer." Parasnis col. 27 lines 37-56; emphasis added.

In col. 27, Parasnis discusses commands to, "advance the presentation of the various slide show slides..." Parasnis col. 27 lines 38-39. Parasnis further explains that the commands are transmitted to the users' computers by embedding instructions (script) in a presentation stream and/or within POWERPOINT files. See Parasnis col. 27 lines 49-52. None of the commands discussed in Parasnis col. 27 are configured to cause a browser to be automatically launched as recited in the claims. In fact, the commands discussed in col. 27, clearly require that an application for receiving the commands (e.g., a browser or POWERPOINT application), be both launched by the user and connected to the presentation before the commands can be received and/or executed (e.g., a command to advance a POWERPOINT presentation cannot be executed unless the POWERPOINT application has been launched by the user). Moreover, the Parasnis commands discussed above are clearly intended to be used after the presentation has started (e.g., to move the presentation forward and/or control the flow of the presentation), rather than to automatically launch a browser for presentation of a media event as recited in the claims ("program code configured to cause a browser ... to be automatically launched for presentation of the media event"). See claims 1 and 27.

Since the references cited in the Office Action fail to consider all the words of the claims (specifically, at least, "transmitting program code ... configured to cause a browser at the client device to be automatically launched..."), the Applicants respectfully traverse the rejection of independent claims 1 and 27. The Applicants also traverse the rejection of dependent claims 2-14, 17-40, and 43-52

since, if an independent claim is nonobvious, any claim depending therefrom is nonobvious. *See* <u>In re Fine</u>, 837 F.2d 1071 (Fed. Cir. 1988)*; also see* MPEP § 2143.03.

REJECTION OF CLAIMS 4, 7, 30, 33 UNDER 35 U.S.C. § 103(A)

The Office Action rejects claims 4, 7, 30, and 33 under U.S.C. § 103(a) as purportedly being unpatentable over Yurkovic in view of Parasnis and further in view of U.S. Patent No. 6,457,045 to Hanson ("Hanson"). As discussed above, neither Yurkovic nor Parasnis alone or in combination, disclose program code as recited in the claims. The addition of Hanson does not cure this deficiency, nor does the Office Action allege such. Therefore, the Applicants respectfully traverse the rejection of these claims.

REJECTION OF CLAIMS 6 AND 32 UNDER 35 U.S.C. § 103(A)

The Office Action rejects claims 6 and 32 under U.S.C. § 103(A) as purportedly being unpatentable over Yurkovic in view of Parasnis and further in view of U.S. Patent No. 6,560,637 to Dunlap et al. ("Dunlap"). As discussed above, neither Yurkovic nor Parasnis alone or in combination, disclose program code as recited in the claims. The addition of Dunlap does not cure this deficiency, nor does the Office Action allege such. Therefore, the Applicants respectfully traverse the rejection of these claims.

REJECTION OF CLAIMS 12 AND 38 UNDER 35 U.S.C. § 103(A)

The Office Action rejects claims 12 and 38 under U.S.C. § 103(A) as purportedly being unpatentable over Yurkovic in view of Parasnis. As discussed above, neither Yurkovic nor Parasnis alone or in combination, disclose program code as recited in the claims. Therefore, the Applicants respectfully traverse the rejection of these claims.

In addition, claims 12 and 38 have been amended herein to recite, "...wherein the program code comprises a password to automate login to the media

event." Neither Yurkovic nor Parasnis disclose program code configured to cause a browser to be automatically launched, much less program code to automate login to a media event as recited in claims 12 and 38. Therefore, the Applicants respectfully traverse the rejection of claims 12 and 38 on these independent grounds.

REJECTION OF CLAIMS 23-25 AND 49-51 UNDER 35 U.S.C. § 103(A)

The Office Action rejects claims 23-25 and 49-51 under U.S.C. § 103(A) as purportedly being unpatentable over Bookspan in view of Parasnis and further in view of Hanson. As discussed above, neither Bookspan nor Parasnis alone or in combination disclose program code as recited in the claims. The addition of Hanson does not cure this deficiency, nor does the Office Action allege such. Therefore, the Applicants respectfully traverse the rejection of these claims.

NEW CLAIM 53

With this paper, new claim 53 is added, support for which may be found in the specification, paragraph 40, "[0040] In addition to the connection required by the attendee(s), a connection is also established 254 between host device 26 and server 38. When host 12 schedules the media event, an applet (e.g., a cookie) is passed to the host device to allow for automated connection of host device 26 to network 24 and server 38."

GENERAL CONSIDERATIONS

By the remarks provided herein, the Applicants have addressed all outstanding issues presented in the Office Action. Applicants note that the remarks presented herein have been made merely to clarify the claimed invention from elements purported by the Office Action to be taught by the cited references. Such remarks should not be construed as acquiescence, on the Applicants' part, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced in the Office Action. Accordingly, Applicants reserve the right to challenge the purported teachings and prior art status of the cited references at an appropriate time.

CONCLUSION

For the reasons discussed above, the Applicants submit that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact Kory Christensen by telephone at (801) 578-6993.

Respectfully submitted,

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